

MINUTES

**MINUTES
REGULAR COMMISSION MEETING
CITY OF HOLLY HILL, FLORIDA
MAY 25, 2004**

1. CALL TO ORDER

A. Roll Call

Mayor Arthur called the meeting to order in the Commission Chambers at City Hall, 1065 Ridgewood Avenue at approximately 7:00 p.m. Attending with Mayor Arthur were Commissioners Arthur Byrnes, Gilles Blais, Lou Schmitt, and Roland Via.

Also attending were City Manager Joe Forte, City Attorney Edward Simpson, Building Official Tim Harbuck, Public Works Director Milt Hallman, Public Safety Director Don Shinnamon, Finance Director Brenda Gubernator, Recreation Director Chuck Beach, and City Clerk Jeanene Clauss.

B. Invocation

Mr. Hallman delivered the invocation.

C. Pledge of Allegiance to the Flag

2. PRESENTATIONS & PROCLAMATIONS

Presentation from John Heaphy, Holly Hill Representative on the Volusia Growth Management Commission

Mr. Heaphy explained that the VGMC reviews all of the comprehensive plan amendments within Volusia County to ensure that no one steps on anyone else's toes. They have done a good job and managed to keep everyone out of court. The Commission inquired if they had been included in the County Urban Boundary proposal. Mr. Heaphy advised that they had not but ultimately would have to review it and render a decision on it. The County had worked with the VGMC's planning staff in preparing this. The Commission thanked Mr. Heaphy for representing them so well.

Presentation of Certificates to Holly Hill Baseball Players

Mayor Arthur honored the Holly Hill Astros Baseball team with certificates of recognition for their victory in the South Daytona Babe Ruth Tournament. This tournament was well represented by the City because both the teams competing for this championship were from Holly Hill. They also recognized the date of the event, May 20th, 2004 as Holly Hill Baseball Day. The players recognized for this victory were as follows: Chaz Fromm, Harold Logan, Chris Via, Ed Budgen, John Chester, Jarred Morgan, Tyrell Singleton, Daniel Blanton, Adrian Wilson, A.J. Maccaro, D.J. Maccaro, Robert Strack, Jesus Laino, and Josh Pillow. Commission Via and John Blanton were both recognized as the coaches for this team.

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3. **CONSENT AGENDA**

Minutes of Commission Workshop w/ Historic Preservation Board – May 11, 2004

Minutes of Regular Commission Meeting – May 11, 2004

Report of Purchases between Five and Ten Thousand Dollars

- **Fuel - \$6,829.81**
- **Electric Door Opener Installation - \$5,625.59**

*Commissioner Via moved **APPROVAL** of the items on the consent agenda, seconded by Commissioner Schmitt.*

The motion **CARRIED** 5-0 on roll call: Via – yes, Schmitt – Yes, Blais – Yes, Byrnes – yes, Arthur - yes.

4. **COMMITTEE REPORTS**

Members of the Commission are encouraged to give a brief report from the various committees on which they serve.

Commissioner Schmitt stated that the Chamber After Hours last week at Mobility Products was a success. Unfortunately, this business is moving to Daytona Beach due to the impending redevelopment of their current site and the lack of another site within the City that could accommodate them as well. Commissioner Schmitt mentioned that the Chamber will be hosting a workshop on August 12th to assist individuals in developing the skills needed to attain work or start up their own small business. He mentioned that the deadline for the Chamber directory is June 15th; this directory will be a fundraiser. Commissioner Schmitt stated that the Chamber will be hosting their 8th Annual Golf Scramble on August 28th. He also mentioned that long-term member Mary Shearer is in Peninsula hospital room 310 facing a neurological problem.

Commissioner Via stated that the WAV Executive Board declined to continue with the RFQ for an engineer and they have sent it back out again, hopefully fast-tracking this. On June 2nd they will have a special budget meeting as they work to keep the City assessments down - the public input part of this meeting begins at 5:00 p.m.

Commissioner Byrnes stated that the next Volusia League of Cities meeting is this Thursday in Pierson and their main focus now is planning for the conference in August.

Commissioner Blais gave an update from the Special Events Task Force. This group has eight subcommittees establishing groundbreaking efforts at managing these events (regulation and loss, festival events and activities, public relations and marketing, fundraising and business development, research, regional economic and community impact committee, volunteers, and traffic and neighborhood impact – for which he chairs). Other cities are looking at the precedence they are establishing with this effort. Their next meeting is June 22nd.

Mayor Arthur indicated that there was nothing new to report from either MPO or VCOG.

5. **AUDIENCE PARTICIPATION**

Regarding items not on the agenda.

None.

**6. PUBLIC HEARING
DETERMINATION OF NUISANCE AT 230 STRAWBERRY LANE**

Mayor Arthur opened the public hearing. Mr. Forte indicated that this item could almost be pulled from the agenda because the bank which owns the property has already begun taking corrective measures and assures them that the property issues will be completely resolved within forty-five days. A letter stating such was provided. However, in order to assure that this will be completed, he recommended holding the public hearing as noticed. Mr. Harbuck presented this case before the Commission. He stated that these structures (principal and accessory) at the above referenced location are in a rundown dilapidated condition, the structure and premises have fallen into a state of disrepair, constituting a hazardous condition. Inspections by the City indicate violations pertaining to building, electrical, plumbing, and mechanical systems as well as sanitary nuisances such as overgrown grass and weeds, miscellaneous junk and debris scattered about. This property is an eyesore and an attractive nuisance, a fire hazard and breakins by undesireables have occurred. These conditions are in violation of the International Property Maintenance Code, Chapters 1 through 7 and the Holly Hill Code of Ordinances, Article III, Sanitary Nuisances, Section 26-61 (1)(2)(3)(4). Mention was made that this was built as a HUD home and will have to meet their full standards as well. Commissioner Byrnes clarified that no one will be able to live in this house until it has been brought fully up to Code. Mr. Harbuck stated that he will not let the power be turned-on until then. Other than the letter submitted, there was no input from the public. Mayor Arthur closed the public hearing.

*Commissioner Via moved to **APPROVE** finding a public nuisance at 230 Strawberry Lane, seconded by Commissioner Byrnes.*

The motion **CARRIED** 5-0 on roll call: Via – yes, Blais – yes, Byrnes – yes, Schmitt– yes, Arthur – yes.

*Commissioner Byrnes moved to **REMEDY THE NUISANCE** at 230 Strawberry Lane by allowing the property owner 45 days to bring this property up to Code, seconded by Commissioner Via.*

The motion **CARRIED** 5-0 on roll call: Via – yes, Blais – yes, Byrnes – yes, Schmitt– yes, Arthur – yes.

7. FIRST READING OF ORDINANCE 2688, ESTABLISHING CRITERIA TO PERMIT THE SALE OF PERSONAL PROPERTY WITHIN NON-RESIDENTIAL ZONES

Mr. Simpson read by short title:

AN ORDINANCE OF THE CITY OF HOLLY HILL, FLORIDA; CREATING SECTION 50-27 (SALE OF PERSONAL PROPERTY WITHIN NON-RESIDENTIAL ZONES) OF THE HOLLY HILL CODE OF ORDINANCES

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ESTABLISHING CRITERIA AND ALLOWING CITY MANAGER AUTHORIZATION TO PERMIT SALES OF PERSONAL PROPERTY IN NON-RESIDENTIAL ZONES; PROVIDING FOR CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

*Commissioner Schmitt moved to **APPROVE** the First Reading of Ordinance 2688, seconded by Commissioner Blais.*

Commissioner Byrnes expressed concern about the open-ended language concerning the number of times this could be granted and the length of time it could be granted for. He will work with Mr. Forte on his concerns before second reading.

The motion **CARRIED** 5-0 on roll call: Schmitt – yes, Blais – yes, Byrnes – yes, Via – yes, Arthur - yes.

8. FIRST READING OF ORDINANCE 2689, AMENDING THE POLICE OFFICERS' PENSION PLAN

Mr. Simpson read by short title:

AN ORDINANCE OF THE CITY OF HOLLY HILL, FLORIDA AMENDING, CHAPTER 42 (PENSIONS AND RETIREMENT), ARTICLE II POLICE OFFICERS, OF THE CODE OF ORDINANCES FOR THE CITY OF HOLLY HILL, FLORIDA; AMENDING SECTION 42-31(b) PENSION BENEFITS TO CLARIFY ASSET ALLOCATION RELATING TO COST AND MARKET VALUE OF THE FUND AND PROVIDING FOR INTERNATIONAL INVESTMENTS IN ACCORDANCE WITH STATE STATUTES; AMENDING SECTION 42-31(c) TO PROVIDE A DEFERRED RETIRMENT OPTION PROGRAM TO BE DEVELOPED AND ADMINISTERED BY THE BOARD OF TRUSTEES WITHIN SPECIFY LIMITATIONS; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE AND PROVIDING OF POSTING OF THIS ORDINANCE.

*Commissioner Byrnes moved to **APPROVE** the First Reading of Ordinance 2689, seconded by Commissioner Schmitt.*

The motion **CARRIED** 5-0 on roll call: Byrnes – yes, Schmitt – yes, Via – yes, Blais – yes, Arthur - yes.

9. FIRST READING OF ORDINANCE 2690, AMENDING THE FIREFIGHTERS' PENSION PLAN

Mr. Simpson read by short title:

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AN ORDINANCE OF THE CITY OF HOLLY HILL, FLORIDA AMENDING, CHAPTER 42 (PENSIONS AND RETIREMENT), ARTICLE III (FIREFIGHTERS' PENSION), DIVISION 2 (PENSION PLAN), OF THE CODE OF ORDINANCES FOR THE CITY OF HOLLY HILL, FLORIDA; AMENDING SECTION 42-82 (MEMBERSHIP), TO CLARIFY SUBSECTION (d) TO ENSURE COMPLIANCE WITH STATE LAW AND TO PROVIDE THAT THE BENEFICIARY/SPOUSE HAS THE OPTION TO ELECT THE MEMBER'S ACCRUED BENEFIT OR THE SPOUSAL BENEFIT; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE AND PROVIDING FOR POSTING OF THIS ORDINANCE.

*Commissioner Via moved to **APPROVE** the First Reading of Ordinance 2690, seconded by Commissioner Schmitt.*

The motion **CARRIED** 5-0 on roll call: Via – yes, Schmitt – yes, Blais – yes, Byrnes – yes, Arthur - yes.

10. FIRST READING OF ORDINANCE 2691, AUTHORIZING A PROPOSED CHARTER AMENDMENT BE SUBMITTED TO THE ELECTORS REGARDING THE TERM OF THE VICE-MAYOR

Mr. Simpson read by short title:

AN ORDINANCE OF THE CITY OF HOLLY HILL, FLORIDA; AUTHORIZING A PROPOSED CHARTER AMENDMENT BE SUBMITTED TO THE ELECTORS TO PROVIDE THAT THE VICE-MAYOR SHALL SERVE A ONE-YEAR TERM; PROVIDING FOR CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

*Commissioner Schmitt moved to **APPROVE** the First Reading of Ordinance 2691, seconded by Commissioner Byrnes.*

Commissioner Via expressed his concerns that they were asking the voters the same question but in a different way again, less than one year later. The general consensus of the Commission was that they felt the wording was confusing last time and heard comments from many voters that they didn't understand it, so they voted "no". They felt that better wording could bring about the outcome that they feel is most equitable, allowing all districts equal opportunity to serve as vice-mayor.

The motion **CARRIED** 4-1 on roll call: Schmitt – yes, Byrnes – yes, Via – no, Blais – yes, Arthur - yes.

The Commission reviewed the wording of the draft question and compared it to the question from the previous election. They modified the draft proposal to make it less wordy, more direct. This will be brought back to them at their next meeting for final approval.

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11. LAW ENFORCEMENT TRUST FUND EXPENDITURE REQUEST

*Commissioner Via moved to **APPROVE** authorizing the expenditure of LETF monies as follows: digital video camera \$500, 31 hat shields \$2,015, and Byrne Grant match \$2,438.50 – Total \$4,953.50, seconded by Commissioner Schmitt.*

The motion **CARRIED** 5-0 on roll call: Via – yes, Schmitt – yes, Blais – yes, Byrnes – yes, Arthur - yes.

12. LAWN AND SHRUB SPRAYING SERVICES

*Commissioner Schmitt moved to **APPROVE** awarding a contract extension to TruGreen Lawn Care for another year with the increase of the CPI included, seconded by Commissioner Via.*

Commissioner Byrnes asked how much we pay them now and what the CPI increase will make it. The CPI increase will provide a one and one-half percent increase but the amount of our current contract was not readily available.

The motion **CARRIED** 5-0 on roll call: Schmitt – yes, Via – yes, Byrnes – yes, Blais – yes, Arthur - yes.

13. COMMUNICATIONS

A. City Manager

Mr. Forte stated that he will be at the Florida City / County Managers Association (FCCMA) conference for the next three and a half days. Chief Shinnamon will serve as the assistant city manager.

B. City Attorney

Mr. Simpson indicated he had nothing further to report.

C. Mayor and Commissioners

Commissioner Blais stated that he will be putting flags on the graves of our heroes on Memorial Day and also attending the Emory L. Bennett Memorial Day service on Sunday at 10:00 a.m. along with various other services.

Commissioner Schmitt mentioned that the Dog Park will be hosting an adopt-a-thon soon. Also, Sica Hall is looking beautiful with its new renovations. Commissioner Schmitt then brought up the issue of speeding in the City which he began to look at more closely after attending the *Keep Kids Alive, Drive 25* meeting and stated that he has heard that we encourage the issuance of warnings instead of citations - which he does not feel is sufficient. The Commission and Staff indicated that they do not impede on an officers judgment on whether to issue one or the other. Mention was made that the City has tried to get a stop sign at Riverside and Flomich, which is a

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primary point of speeding and that would help to break the flow, but the County has denied this request. Mayor Arthur stated that it is impossible to speed on properly designed streets and suggested they move towards the more progressive street design promoted by Rail-Volution. The Mayor indicated that he was very disappointed in the lack of attendance by elected officials Countywide at the workshops recently held on this locally. In response to the *Keep Kids Alive, Drive 25* promotion, Commission Via suggested the police department develop a safety zone in the City. Commissioner Byrnes suggested more police officers to focus on speeders because current staffing is needed for other issues. The City is currently looking into a traffic officer grant. Commissioner Blais suggested they study this issue further to determine the best solution. Mr. Forte stated that he will work with the Chief and have him work with his sergeants on solutions to this. Short term solutions equal more policing; long term solutions may lead to road re-design but that is difficult when the primary roads do not belong to the City.

Commissioner Via thanked Mayor Arthur for the recognition of the ball players tonight. He mentioned that he received a letter with some interesting pictures from Bill Brady, the leader of the gun team group that was at the American Legion. He also mentioned the Emory L. Bennett service on Sunday and the services planned by both Holly Hill and Ormond Beach on Memorial Day – thank you to all of our troops. Commissioner Via stated that he will not be attending the League dinner this Thursday because of All Stars. He mentioned that Nova Road in Port Orange should be completed next month and Nova Road in Ormond Beach should be completed in August 2004.

Commissioner Byrnes reiterated his position on controlling speeding and qualified himself with both his experience and internet studies on the issue. He felt that short term solutions should be managed through staffing in the coming budget, citing Daytona Beach Shore's approach as a prime example of how well it can work. He mentioned that he is looking forward to the League dinner hosted by Pierson.

Mayor Arthur mentioned a letter he had received from Congressman John Mica on a Memorial Day event by the old swing bridge in Wayside Park in Seminole County. Unfortunately, the time conflicts with that of our City Memorial event. Mayor Arthur then mentioned an issue with the Timber Lake street, which the City was supposed to have as part of the annexation of those properties. Eric Meyers was present to speak on behalf of this. Each of the property owners will have to deed their portion of the road over to the City. Mr. Forte will work with the City Attorney on how best to proceed with this.

14. ADJOURNMENT TO WORKSHOP

The meeting officially adjourned at approximately 8:55 p.m.

Attest:

City of Holly Hill, Florida

Jeaneen P. Clauss, CMC
City Clerk

William D. Arthur
Mayor